IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.155 OF 1996

The Commissioner of Income-tax,
Bombay City-IV, Bombay .. Applicant.
V/s.
M/s.Mahindra Ugine Steel Co.Ltd... Respondent.

Mr.R.V. Desai, senior counsel with Mr.A.S. Rao for the applicant.
Mr.A.P. Sathe for the respondent.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 7TH MARCH, 2005.

P.C. :

1. Heard learned counsel for the applicant and the respondent. The question of law referred to, reads as under :

> Whether on the facts and in the circumstances of the case, the Tribunal was right in law in upholding the order of the Commissioner of Income-tax (Appeals) directing the assessing officer to allow in full initial contribution paid by the assessee to the superannuation fund ?

2. The learned counsel for the applicant fairly states that the issue is squarely covered by the judgment of the Supreme Court in the case of **CIT V/s. Sirpur Paper Mills [237 ITR 41].**

3. In view thereof, the question is answered in affirmative in favour of the assessee against the revenue.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)